

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2514 OF 2015

Sukant Gajanan Sawant ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Pradeep D. Dalvi for the Applicant
Mrs. Veera Shinde , APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : FEBRUARY 08, 2016.**

P.C.

1. This is an application for bail filed by the aforesaid applicant who has been arrested in crime no. 334 of 2015 registered at Ratnagiri Police Station for the offences punishable under Section 436, 454, 457, 380 of the Indian Penal Code.

2. The case of the prosecution in brief is that on 4.11.2015 the complainant was informed by his son in law that his house was set on fire. The complainant suspected that the applicant herein was

involved in the said crime and hence he lodged the FIR dated 6.1.2015, pursuant to which the aforesaid crime came to be registered. The applicant was arrested on 3.12.2015. The applicant had filed an application for bail before the Sessions Judge, Ratnagiri. The same came to be dismissed by the learned Addl. Sessions Judge vide order dated 18.12.2015. The Addl. Sessions Judge, Ratnagiri dismissed the application mainly on the ground that if released on bail the applicant would threaten and pressurize the complainant to withdraw the complaint. The applicant has therefore filed the present application under Section 439 of Cr.P.C.

3. Mr. Dalvi, the learned counsel for the applicant submits that there is absolutely no material on record to prove that the applicant is involved in the said crime. He has stated that the nature of the allegations levelled against the applicant do not justify further detention.

4. The learned APP submits that the daughter of the complainant had lodged a complaint against the applicant on 23.10.2015 stating

that the applicant herein had threatened to set the house on fire. She therefore claims that the material on record prima facie indicates that the applicant is involved in committing the said crime. She has further stated that if released on bail, the applicant is likely to threaten the complainant who is a senior citizen.

5. I have perused the record and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. The FIR lodged by the complainant Suvarna Sawant prima facie indicates that there is previous enmity between the applicant and the complainant herein. She has further stated that on 25.10.2015 the applicant had threatened her son in law to set the house on fire. The FIR further indicates that the daughter of the complainant had lodged a complaint on 23.10.2015 against the applicant herein alleging that the applicant had threatened to set the complainant and her house on fire.

6. The complainant had stated that on 4.11.2015 when her daughter and her husband had noticed that their house was burnt, in

view of the previous threats given by the applicant she suspected that the applicant was involved in committing the said crime. It may be mentioned here that apart from the alleged threats given on 23.10.2015 there is no other prima facie material to show that the applicant was involved in committing the said crime . The applicant is in custody since 3.12.2015. His presence is no longer required for the purpose of investigation. The applicant cannot be detained on the vague apprehension that he is likely to pressurize the complainant to withdraw the complaint.

7. The allegations leveled against the applicant, in my considered view would not justify further detention. In the circumstances, the applicant is granted bail on the following terms and conditions:

i) The applicant Sukant Sawant, arrested in Crime No.334 of 2015 registered with Ratnagiri City Police station, be released on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand Only) with one solvent surety in the like amount to the satisfaction of the learned Addl. Sessions Judge, Ratnagiri.

- ii) The applicant shall not interfere with the complainant or the witnesses in any manner.
- iii) The applicant shall stay away from Sada Maria, Ratnagiri for a period of three months .
- iv) The applicant shall give his contact number, permanent and temporary address if any to the Investigating Officer. The Investigating officer shall confirm the same before the applicant is released on bail.

(ANUJA PRABHUDESSAI, J.)